

APPROVED

MINUTES
SCOTTSDALE CITY COUNCIL
CITY COUNCIL MEETING
Tuesday, January 6, 2004

**The Kiva
City Hall
Scottsdale, Arizona**

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SCOTTSDALE CITY COUNCIL
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CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, January 6, 2004 in the Kiva, City Hall, at 5:02 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Wayne Ecton
Council Members Robert Littlefield, Ned O'Hearn, Roberta Pilcher,
David Ortega, and Tom Silverman

Also Present: City Manager Jan Dolan
City Attorney Joseph Bertoldo
City Clerk Carolyn Jagger

Pledge of Allegiance - Vice Mayor Ecton led the audience in the pledge.

Invocation - No invocation was given.

Presentations - Scottsdale Pop Warner State Champions (presentation was postponed to another evening).

Mayor Manross noted the passing of an Arizona icon, Polly Rosenbaum, age 104. Mayor Manross also welcomed Joseph Bertoldo, newly appointed City Attorney from Flagstaff.

Public Comment - None

Minutes

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|------------------|-------------------|
| SPECIAL MEETINGS | REGULAR MEETINGS |
| December 9, 2003 | November 17, 2003 |
| | November 18, 2003 |
| | December 8, 2003 |
| | December 9, 2003 |

COUNCILMAN SILVERMAN MOVED TO APPROVE THE SPECIAL MEETING MINUTES OF DECEMBER 9, 2003 AND THE REGULAR MEETING MINUTES OF NOVEMBER 17 AND 18, AND DECEMBER 8 AND 9, 2003. VICE MAYOR ECTON SECONDED THE MOTION, WHICH CARRIED 7/0.

CONSENT AGENDA ITEMS 1-18

Item 1 was withdrawn and Item 15 was pulled from the Consent Agenda for separate action.

1. **O Restaurant & Lounge Liquor License - WITHDRAWN.**
 2. **Armitage Wine Lounge & Café Liquor License**
 Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) and a series 10 (beer/wine store) State liquor license for a new restaurant.
 Location: 20751 N Pima Road Ste 120
 Reference: 88-LL-2003
 Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov
 3. **Armitage Wine Store Liquor License**
 Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for a new location.
 Location: 20751 N Pima Road Ste 120
 Reference: 92-LL-2003
 Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096
 rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov
 4. **The Downside Risk Liquor License**
 Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location currently operating with a series 12 license.
 Location: 14950 N Northsight Blvd Ste 100
 Reference: 89-LL-2003
 Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov
- Responding to Vice Mayor Ecton, Mr. Ekblaw explained the live entertainment permit had already been granted and the reasons the liquor licenses weren't approved at the same. In further response to a concern about on-street parking, Mr. Ekblaw said this site had difficulties in the past but those had been resolved.
5. **Cobblestone Auto Spa & Market Liquor License**
 Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for an existing establishment currently operating with a series 10 license.
 Location: 15111 N Hayden Rd
 Reference: 90-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

6. Sacred Ground Cafe & Wine Bar Liquor License

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location that previously operated under the business name La Villa Cafe.

Location: 10115 E Bell Rd Ste 111

Reference: 91-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

7. The Crown Room Liquor License

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) State liquor license for an existing bar location that previously operated with a series 6 license under the business name Downside Risk.

Location: 7419 E Indian Pz

Reference: 93-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

Responding to concerns of Vice Mayor Ecton, the owner of The Crown Room confirmed that there are no plans to change the name of the establishment.

8. The Canal at Cattle Track

Request:

1. To approve a site development plan and stipulations for Phase 2 and future phases of the historic and cultural arts campus on a 13 +/- acre parcel located at the 6105 Cattle Track (Miller) Road with Special Campus (SC) and Historic Property (HP) District zoning.
2. To adopt Ordinance No. 3544 affirming the approved site development plan and stipulations.

Location: 6105 N Cattle Track (Miller) Road

Reference: 35-ZN-1995#4

Staff Contact(s): Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

Twenty comment cards were received from citizens in favor of this item but not wishing to speak.

9. McDowell Mountain Storage

Request:

1. A conditional use permit for internalized community storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

2. A conditional use permit for exterior unoccupied recreational/vehicle storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

Location: 94th and Bell

Reference: 20-UP-2003 and 21-UP-2003

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

Council agreed to approve the staff recommendation rather than the Planning Commission recommendation in regard to the two-year limit on the conditional use permit, deeming it unnecessary.

Mayor Manross opened public testimony.

Darlene Petersen, 7327 E Wilshire, 85257, supporting the issuance of the conditional use permit to address the lack of parking for RV owners. Ms. Petersen urged Council to revisit the front yard ordinance, as it was not working out. Ms. Dolan explained that the front yard ordinance was approved with a review requested after a specified length of time. She noted that she would let Council know when the review is scheduled.

Mayor Manross closed public testimony.

10. IGA to Provide Forensic Services to the Salt River Pima-Maricopa Indian Community Police Department

Request: Consideration of an Intergovernmental Agreement (IGA) that will allow the Scottsdale Police Department Crime Laboratory to provide forensic services to the Salt River Pima-Maricopa Indian Community Police Department.

1. To adopt Resolution No. 6417 authorizing the city to enter into an Intergovernmental Agreement.

2. Authorize Intergovernmental Agreement No. 2004-001-COS, which allows the Scottsdale Police Department to provide forensic services to the Salt River Pima-Maricopa Indian Community Police Department for \$123,427.

Related Policies, References: IGA 970074

Staff Contact(s): Steve Garrett, Crime Lab Manager, 480-312-5280, sgarrett@ScottsdaleAZ.gov; Chief Alan Rodbell, 480-312-5320, arodbell@ScottsdaleAZ.gov

11. Juvenile Accountability Incentive Block Grant

Request:

1. Adopt Resolution No. 6411, authorizing the Police Department to accept the Juvenile Accountability Incentive Block Grant (JAIBG), Year 6, from the Governor's Division for Children, and pass-through the funds to Scottsdale Prevention Institute (SPI).

2. Authorize Professional Services Contract 2003-187-COS between the City of Scottsdale and Scottsdale Prevention Institute that formalizes the disbursement of all grant funds in the Juvenile Accountability Incentive Block Grant, year 6.

Related Policies, References: Juvenile Accountability Incentive Block Grant Application

Staff Contact(s): Carla A. Murillo, Police Budget Analyst, 480-312-5202, cmurillo@ScottsdaleAZ.gov; Chief Alan Rodbell, 480-312-5310, arodbell@ScottsdaleAZ.gov

12. Archeological Services Contracts

Request: Consider archeological services contract for four firms to provide on-call archeologists to review surveys, reports and mitigation plans to implement the City's archeological ordinance.

Related Policies, References: Ordinance No. 3243

Staff Contact(s): Don Merserve, Preservation Planner, 480-312-2523, dmerserve@ScottsdaleAZ.gov; Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@ScottsdaleAZ.gov; Ed Gawf, Deputy City Manager, 480-312-4510, egawf@ScottsdaleAZ.gov

Mayor Manross noted for the record that the original agenda stated three firms but the correct number was four.

13. CAP Basin Park Mass Grading

Request: Authorize Construction Bid Award No. 03PB105 for Excavation and Grading of the CAP Basin Park to Archon, Inc., the lowest responsive bidder, at their lump sum bid of \$1,039,889.

Related Policies, References:

- The Open Space and Recreation Element of the General Plan supports the use of this site as a "specialty park". A specialty park provides specialized facilities, in this case soccer fields, that preserve significant and unique features, such as the drainage basin and parking use.
- Amendment No. 6 to Contract 860299A establishing uses for Basin Management Fund and committing use of this site for parking to TPC of Scottsdale as long as annual Open tournament is held there approved by Council on 11/3/98.
- Parks & Recreation and Transportation Commissions recommended approval of a Municipal Use Master Site Plan and associated traffic circulation plan for this location on 9/04/02.

Staff Contact(s): Annette Grove, Sr. Project Manager, 480-312-2399, agrove@ScottsdaleAZ.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@ScottsdaleAZ.gov

14. Construction Bid Award for Sewer Rehabilitation

Request: Authorize Construction Bid Award No. 04PB007 for the Rehabilitation of Sanitary Sewer Lines within the Gateview Park Retail Center to Blucor Contracting, the lowest responsive bidder, at their lump sum bid of \$43,184.

Staff Contact(s): Annette Grove, Sr. Project Manager, 480-312-2399, agrove@ScottsdaleAZ.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@ScottsdaleAZ.gov

15. REMOVED FOR SEPARATE DISCUSSION. SEE PAGE 7.

16. Community Services of Arizona's Application to the Maricopa HOME Consortium

Request: Adopt Resolution No. 6420 which supports an application for federal HOME funds by Community Services of Arizona, an Arizona non-profit corporation, to the

Maricopa HOME Consortium for the acquisition and rehabilitation of existing rental housing in Scottsdale.

Related Policies, References: City Council adopted Resolution No. 6006 on March 4, 2002, which authorized an Intergovernmental Agreement #2002-016-COS to continue participation in the Maricopa HOME Consortium.

Staff Contact(s): Mark Bethel, Community Assistance Manager 480-312-2309, mbethel@ScottsdaleAZ.gov; Debra Baird, Interim Community Services General Manager, 480-312-2377, dbaird@ScottsdaleAZ.gov

17. Waterfront Final Plat

Request: Approve Final Plat for the Scottsdale Waterfront project on an 11.3 +/- acre parcel.

Location: Southwest Corner of Camelback and Scottsdale Roads

Related Case: 1-II-2003

Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

18. Settlement Agreement - Wagner v. City of Scottsdale, Heflin Steel, et al.

Request: Consider approval of settlement of \$250,000 in lawsuit filed against the City, Wagner v. City of Scottsdale, Maricopa County, Heflin Steel, et al., Cause No. CV2003-003321, Maricopa County Superior Court.

Related Policies, References: Settlement Agreement No. 2004-009-COS

Staff Contact(s): Deborah W. Robberson, Deputy City Attorney, 480-312-2405, drobberson@ScottsdaleAZ.gov; Joseph R. Bertoldo, City Attorney, 480-312-2478, jbortoldo@ScottsdaleAZ.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN ORTEGA MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 2 THROUGH 18 WITH THE EXCEPTION OF ITEM 15. COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

1. O Restaurant & Lounge Liquor License

To consider forwarding a denial recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location which previously operated with a series 12 license under the business name Opium.

Location: 4720 N Scottsdale Road

Reference: 78-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

NO ACTION – THIS ITEM WAS WITHDRAWN.

ITEM 15 – REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION:

15. Construction Bid Award for Zone 12 and Zone 13 Water Transmission Mains

Request: Authorize Construction Bid Award No. 03PB135 to Kell and Co., the lowest responsive bidder, at their lump sum bid of \$3,941,662.

Related Policies, References: 2001 Water Resources Master Plan; Engineering services contract 2000-030-COS for design of the Zone 12/13 Reservoir and Booster Pump Station; Construction bid award 03PB134 for the Zone 12/13 Reservoir and Booster Pump Station

Staff Contact(s): Doreen Song, P.E. Project Manager, 480-312-2367, dsong@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@ScottsdaleAZ.gov

Joe Gross introduced Item 15 for discussion. Responding to Vice Mayor Ecton, Mr. Gross reviewed the reasons why the project was being constructed in more than one phase.

MOTION AND VOTE – ITEM 15

VICE MAYOR ECTON MOVED FOR AUTHORIZATION OF BID AWARD NO. 03PB135. COUNCILMAN SILVERMAN SECONDED THE MOTION, WHICH CARRIED 7/0.

REGULAR AGENDA

19. Land Acquisition for the McDowell Sonoran Preserve

Request: Adopt resolution No. 6434 authorizing the acquisition from Edmunds-Toll Construction Company of a +/- 384 acre parcel of vacant land at the northeast corner of Bell Road and the Thompson Peak Parkway alignment. This property is intended as a gateway to the McDowell Sonoran Preserve, and will be the largest and most strategically located Preserve access area.

Related Policies, References: This property is within the original Recommended Study Boundary approved for acquisition by the voters in May 1995. The acquisition of this land supports City Council Goal B: Preserve the Character and Environment of Scottsdale.

Staff contact(s): Ed Gawf, Deputy City Manager, EGawf@ScottsdaleAZ.gov, 480-312-4510; and Bob Cafarella, Preservation Director, RCafarella@ScottsdaleAZ.gov, 480-312-2577

Mr. Cafarella discussed the vision for the Preserve Gateway and the chronology of land access since 1991. He noted the only action being requested of Council tonight was in regard to acquisition of the 384 acres. He noted that there were other development issues that might be brought forth at a later date.

Responding to Councilman Ortega, Mr. Cafarella said there have been forty condemnations to date. The city used outside counsel services for about four or five of the forty condemnations. He further clarified that approximately \$270M has been spent in preserving about 11,000 acres so far. He noted that some parcels were donated by individuals or dedicated by developers, so all of the acreage was not purchased by the City.

Mayor Manross opened public comment.

Lyle Wurtz, 6510 E Palm Ln, 85257, expressed concerns about north Scottsdale benefiting from taxes paid by residents of south Scottsdale. He also urged Council not to take Coronado Golf Course away.

Linda Whitehead, 9681 E Chuckwagon Ln, 85262, represented the Coalition of Pinnacle Peak in urging the city to acquire the land.

Carla, PO Box 14365, 85267, spoke as a representative of the McDowell Sonoran Land Trust. She stated that Toll Brothers had been given every opportunity to work out an equitable agreement with the City. She stated her belief that it is Council's fiscal responsibility to get things done.

Two additional comment cards were received from citizens in favor of Item 19 but not wishing to speak.

MOTION AND VOTE – ITEM 19

VICE MAYOR ECTON MOVED FOR ADOPTION OF RESOLUTION NO. 6434.
COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

Public Comment

Michael Merrill, 8713 E Vernon Av, 85257, expressed concerns about storage of vehicles at residences and the need to revisit the parking ordinance.

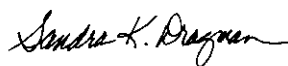
City Manager's Report - None

Mayor and Council Items - None

Adjournment

With no further business to discuss, Mayor Manross adjourned the meeting at 5:57 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



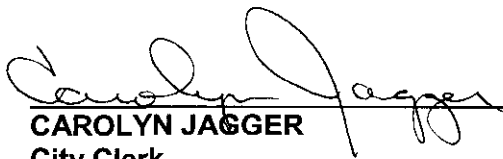
Carolyn Jagger
City Clerk

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular City Council Meeting of the City Council of Scottsdale, Arizona held on the 6th day of January 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 9th day of January 2004.



CAROLYN JAGGER
City Clerk